

# **TOWN OF DAVIE**

## **TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, AICP (797-1101)

**SUBJECT:** Resolution - Plat

Application No., Project Name and Location:  
DG 9-3-01, ICE Plat - 12451 Orange Drive, Generally located on the  
northwest corner of Flamingo Road and Orange Drive.

### **TITLE OF AGENDA ITEM:**

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "ICE PLAT", AND PROVIDING AN EFFECTIVE DATE.

### **REPORT IN BRIEF:**

The applicant proposes to amend the restrictive note on the plat **from** 300,000 square feet of commercial use; **to** 110,000 square feet of commercial use on Parcel A-1, 100,000 square feet of commercial use on Parcel A-2, and 90,000 square feet of commercial use on Parcel A-3.

The delegation request proposes to delineate of three (3) parcels and the redistribution of the 300,000 square feet of commercial use throughout the three parcels. This request does not increase of intensity of the original uses nor does it increase the original trips committed for the site during original plat review and is consistent with the Planned Business District permitted uses.

### **PREVIOUS ACTIONS:**

The subject plat was recorded by Broward County on February 7, 1991, Plat Book 147, Page 3 of the Broward County records.

Town Council approved a plat amendment by Resolution No. 97-277 which proposed revisions to certain openings and associated turn lane configurations on August 20, 1997.

Town Council approved a plat amendment by Resolution No. 99-279 which proposed to revise the restrictive note associated with the plat on September 1, 1999.

Town Council approved a plat amendment by Resolution No. 99-359 which proposed revisions to to certain openings on December 1, 1999.

Town Council approved a site development plan to construct a 28 acre joint venture master plan designed for office/retail use on March 15, 2000.

**CONCURRENCES:** None

**RECOMMENDATION(S):** Motion to approve.

**Attachment(s):** Resolution, Planning Report, Justification Letter, Plat, Land Use map, Subject Site map, and Aerial.

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "ICE PLAT", AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the boundary plat known as ICE Plat was recorded in the public records of Broward County in Plat Book 165, Page 21; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat; and

WHEREAS, Broward County requires the Town of Davie concur with this revision prior to a review of the proposed by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve of the proposed revision to the restrictive note shown on the ICE Plat. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001.

**Application #:** DG 9-3-01

**Revisions:**

**Exhibit "A":**

**Original Report Date:** November 20, 2001

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**TOWN OF DAVIE  
Development Services Department  
Planning & Zoning Division Staff  
Report and Recommendation**

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**APPLICANT INFORMATION**

**Owner:**

**Agent:**

**Name:** ROHO Flamingo, LTD.

**Name:** Stephanie J. Toothaker-Walker, Atty.  
Ruden, McClosky, et al

**Address:** 3325 S. University Drive  
Suite 210

**Address:** 200 E. Broward Blvd., 18th Floor

**City:** Davie, FL 33328

**City:** Ft. Laud., FL 33301

**Phone:** (845) 708-0849

**Phone:** (954) 527-6289

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**BACKGROUND INFORMATION**

**Application Request:** To amend the restrictive note on the Plat from 300,000 square feet of commercial use; to 110,000 square feet of commercial use on Parcel A-1, 100,000 square feet of commercial use on Parcel A-2, and 90,000 square feet of commercial use on Parcel A-3.

**Address/Location:** 12451 Orange Drive, Generally located on the northwest corner of Flamingo Road and Orange Drive.

**Land Use Plan Designation:** Commercial

**Zoning:** B-3, Planned Business District

**Existing Use:** 66,057 square foot office complex, previously approved projects consist of a 7,050 square foot convenience store with gas sales and 23,245 square foot retail building with a restaurant.

**Proposed Use:** 100,000 square feet of commercial use on Parcel A-2.

**Parcel Size:** 27.584 acres (1,201,564 square feet)

**Surrounding Land Use:**

**North:** Vacant land  
**South:** Orange Drive/South New River Canal  
**East:** Vacant Land and Flamingo Road Vacant Land  
**West:** Vacant Land

**Land Use Designation:**

**North:** Residential (1 du/ac)  
**South:** Commercial and Recreation Open Space  
**East:** Commercial  
**West:** Residential (1 du/c)

**Surrounding Zoning:**

**North:** A-1, Agricultural District  
**South:** T, Transportation District and South New River Canal  
**East:** B-3, Planned Business District and AG, Agricultural District  
**West:** A-1, Agricultural District

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### **ZONING HISTORY**

**Related Zoning History:** This parcel is subject to a 1995 Settlement Agreement commonly referred to as the “Pasadena Imagination Farms” and “ICW” Agreement.

**Previous Request on same property:** The subject plat was recorded by Broward County on February 7, 1991, Plat Book 147, Page 3 of the Broward County records.

Town Council approved a plat amendment by Resolution No. 97-277 which proposed revisions to certain openings and associated turn lane configurations on August 20, 1997.

Town Council approved a plat amendment by Resolution No. 99-279 which proposed to revise the restrictive note associated with the plat on September 1, 1999.

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### **Summary of Significant Development Review Agency Comments**

None

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## **Application Codes and Ordinances**

Land Development Code Section 12-33(P)(6): Access to commercial/office facilities shall be restricted to strategic locations that represent the safest and most expedient method of directing traffic off the street into parking areas.

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## **Comprehensive Plan Considerations**

**Planning Area:** The plat is in Planning Area 2 which includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by Flamingo Road. The predominant existing and planned land use is single family residential with a density of 1 dwelling unit per acre in this planned area.

**Flexibility Zone:** The proposed plat is in Flexibility Zone 113.

**Concurrency Considerations:** A Traffic Concurrency Agreement was recorded on February 13, 1997 and amendment was recorded on January 6, 1998.

**Applicable Goals, Objectives & Policies:** None

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## **Staff Analysis**

The delegation request proposes to delineate of three (3) parcels and the redistribution of the 300,000 square feet of commercial use throughout the three parcels. This request does not increase of intensity of the original uses nor does it increase the original trips committed for the site during original plat review.

Staff finds the delegation request is consistent with the Planned Business District permitted uses and will not increase trip generation committed to this plat.

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## **Findings of Fact**

The proposed change is not contrary to the Land Development Code or the adopted Comprehensive Plan, as amended, or any element or portion thereof.

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## **Staff Recommendation**

**Recommendation:** Based upon the above and the positive findings of fact, staff recommends approval of application number DG 9-3-01.

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## **Exhibits**

Resolution, Planning Report, Justification letter, Plat, Land Use Map, Subject Site, and Aerial.

Prepared By: \_\_\_\_\_Reviewed By: \_\_\_\_\_

204 347-6089  
 FAX: 1204 347-6089  
 ipw@R.O.C.I.C.O.A

November 11, 2001

VIA FACSIMILE

Ms. Geri Baluss, Planner I  
Town of Davie  
Development Services Department  
6591 Orange Drive  
Davie, FL 33314

Re: Delegation Request to Amend the Notation on the Ice Plat, as recorded in Plat Book 165, Page 21 of the Public Records of Broward County, Florida ("Plat")

Dear Geri:

Pursuant to your request, I am providing you with the following information regarding the proposed note amendment to the above-referenced Plat. As we discussed, the existing note on the Plat restricts development to "300,000 square feet of commercial use." Our client, Roho Flamingo, ("Roho") is respectfully requesting that the Town of Davie and Broward County approve an amendment to the plat note that is being processed for the purpose of parcelizing the Plat. The proposed note amendment will divide the Plat into three parcels and will allocate a portion of the approved buildable square footage as follows: 110,000 square feet of commercial use on Parcel A-1; 100,000 square feet of commercial use on Parcel A-2; and 90,000 square feet of commercial use on Parcel A-3.

The proposed amendment will not increase or change the approved level of development but will merely allocate specific levels of development to designated parcels within the Plat. If you have any questions, or need any additional information, please do not hesitate to contact me. Thank you for your assistance with this matter.

Sincerely,

RUDEN, McCLOSKEY, SMITH,  
SCHUSTER & RUSSELL, P.A.

Stephanie J. Tothaker-Walker

\$JW/kgd\$

FTLH: 5873 9

• *Journal of the American Medical Association*

Available in the <http://www.elsevier.com/locate/ymbs> format as a pdf.



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(394) 426-7000  
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1. The first step is to identify the problem. This involves understanding the situation, gathering information, and defining the problem clearly.

1940-1941, 1942-1943, 1944-1945, 1946-1947, 1948-1949, 1950-1951, 1952-1953, 1954-1955, 1956-1957, 1958-1959, 1960-1961, 1962-1963, 1964-1965, 1966-1967, 1968-1969, 1970-1971, 1972-1973, 1974-1975, 1976-1977, 1978-1979, 1980-1981, 1982-1983, 1984-1985, 1986-1987, 1988-1989, 1990-1991, 1992-1993, 1994-1995, 1996-1997, 1998-1999, 2000-2001, 2002-2003, 2004-2005, 2006-2007, 2008-2009, 2010-2011, 2012-2013, 2014-2015, 2016-2017, 2018-2019, 2020-2021, 2022-2023, 2024-2025, 2026-2027, 2028-2029, 2030-2031, 2032-2033, 2034-2035, 2036-2037, 2038-2039, 2040-2041, 2042-2043, 2044-2045, 2046-2047, 2048-2049, 2050-2051, 2052-2053, 2054-2055, 2056-2057, 2058-2059, 2060-2061, 2062-2063, 2064-2065, 2066-2067, 2068-2069, 2070-2071, 2072-2073, 2074-2075, 2076-2077, 2078-2079, 2080-2081, 2082-2083, 2084-2085, 2086-2087, 2088-2089, 2090-2091, 2092-2093, 2094-2095, 2096-2097, 2098-2099, 2100-2101, 2102-2103, 2104-2105, 2106-2107, 2108-2109, 2110-2111, 2112-2113, 2114-2115, 2116-2117, 2118-2119, 2120-2121, 2122-2123, 2124-2125, 2126-2127, 2128-2129, 2130-2131, 2132-2133, 2134-2135, 2136-2137, 2138-2139, 2140-2141, 2142-2143, 2144-2145, 2146-2147, 2148-2149, 2150-2151, 2152-2153, 2154-2155, 2156-2157, 2158-2159, 2160-2161, 2162-2163, 2164-2165, 2166-2167, 2168-2169, 2170-2171, 2172-2173, 2174-2175, 2176-2177, 2178-2179, 2180-2181, 2182-2183, 2184-2185, 2186-2187, 2188-2189, 2190-2191, 2192-2193, 2194-2195, 2196-2197, 2198-2199, 2200-2201, 2202-2203, 2204-2205, 2206-2207, 2208-2209, 2210-2211, 2212-2213, 2214-2215, 2216-2217, 2218-2219, 2220-2221, 2222-2223, 2224-2225, 2226-2227, 2228-2229, 2230-2231, 2232-2233, 2234-2235, 2236-2237, 2238-2239, 2240-2241, 2242-2243, 2244-2245, 2246-2247, 2248-2249, 2250-2251, 2252-2253, 2254-2255, 2256-2257, 2258-2259, 2260-2261, 2262-2263, 2264-2265, 2266-2267, 2268-2269, 2270-2271, 2272-2273, 2274-2275, 2276-2277, 2278-2279, 2280-2281, 2282-2283, 2284-2285, 2286-2287, 2288-2289, 2290-2291, 2292-2293, 2294-2295, 2296-2297, 2298-2299, 2300-2301, 2302-2303, 2304-2305, 2306-2307, 2308-2309, 2310-2311, 2312-2313, 2314-2315, 2316-2317, 2318-2319, 2320-2321, 2322-2323, 2324-2325, 2326-2327, 2328-2329, 2330-2331, 2332-2333, 2334-2335, 2336-2337, 2338-2339, 2340-2341, 2342-2343, 2344-2345, 2346-2347, 2348-2349, 2350-2351, 2352-2353, 2354-2355, 2356-2357, 2358-2359, 2360-2361, 2362-2363, 2364-2365, 2366-2367, 2368-2369, 2370-2371, 2372-2373, 2374-2375, 2376-2377, 2378-2379, 2380-2381, 2382-2383, 2384-2385, 2386-2387, 2388-2389, 2390-2391, 2392-2393, 2394-2395, 2396-2397, 2398-2399, 2400-2401, 2402-2403, 2404-2405, 2406-2407, 2408-2409, 2410-2411, 2412-2413, 2414-2415, 2416-2417, 2418-2419, 2420-2421, 2422-2423, 2424-2425, 2426-2427, 2428-2429, 2430-2431, 2432-2433, 2434-2435, 2436-2437, 2438-2439, 2440-2441, 2442-2443, 2444-2445, 2446-2447, 2448-2449, 2450-2451, 2452-2453, 2454-2455, 2456-2457, 2458-2459, 2460-2461, 2462-2463, 2464-2465, 2466-2467, 2468-2469, 2470-2471, 2472-2473, 2474-2475, 2476-2477, 2478-2479, 2480-2481, 2482-2483, 2484-2485, 2486-2487, 2488-2489, 2490-2491, 2492-2493, 2494-2495, 2496-2497, 2498-2499, 2500-2501, 2502-2503, 2504-2505, 2506-2507, 2508-2509, 2510-2511, 2512-2513, 2514-2515, 2516-2517, 2518-2519, 2520-2521, 2522-2523, 2524-2525, 2526-2527, 2528-2529, 2530-2531, 2532-2533, 2534-2535, 2536-2537, 2538-2539, 2540-2541, 2542-2543, 2544-2545, 2546-2547, 2548-2549, 2550-2551, 2552-2553, 2554-2555, 2556-2557, 2558-2559, 2560-2561, 2562-2563, 2564-2565, 2566-2567, 2568-2569, 2570-2571, 2572-2573, 2574-2575, 2576-2577, 2578-2579, 2580-2581, 2582-2583, 2584-2585, 2586-2587, 2588-2589, 2590-2591, 2592-2593, 2594-2595, 2596-2597, 2598-2599, 2600-2601, 2602-2603, 2604-2605, 2606-2607, 2608-2609, 2610-2611, 2612-2613, 2614-2615, 2616-2617, 2618-2619, 2620-2621, 2622-2623, 2624-2625, 2626-2627, 2628-2629, 2630-2631, 2632-2633, 2634-2635, 2636-2637, 2638-2639, 2640-2641, 2642-2643, 2644-2645, 2646-2647, 2648-2649, 2650-2651, 2652-2653, 2654-2655, 2656-2657, 2658-2659, 2660-2661, 2662-2663, 2664-2665, 2666-2667, 2668-2669, 2670-2671, 2672-2673, 2674-2675, 2676-2677, 2678-2679, 2680-2681, 2682-2683,

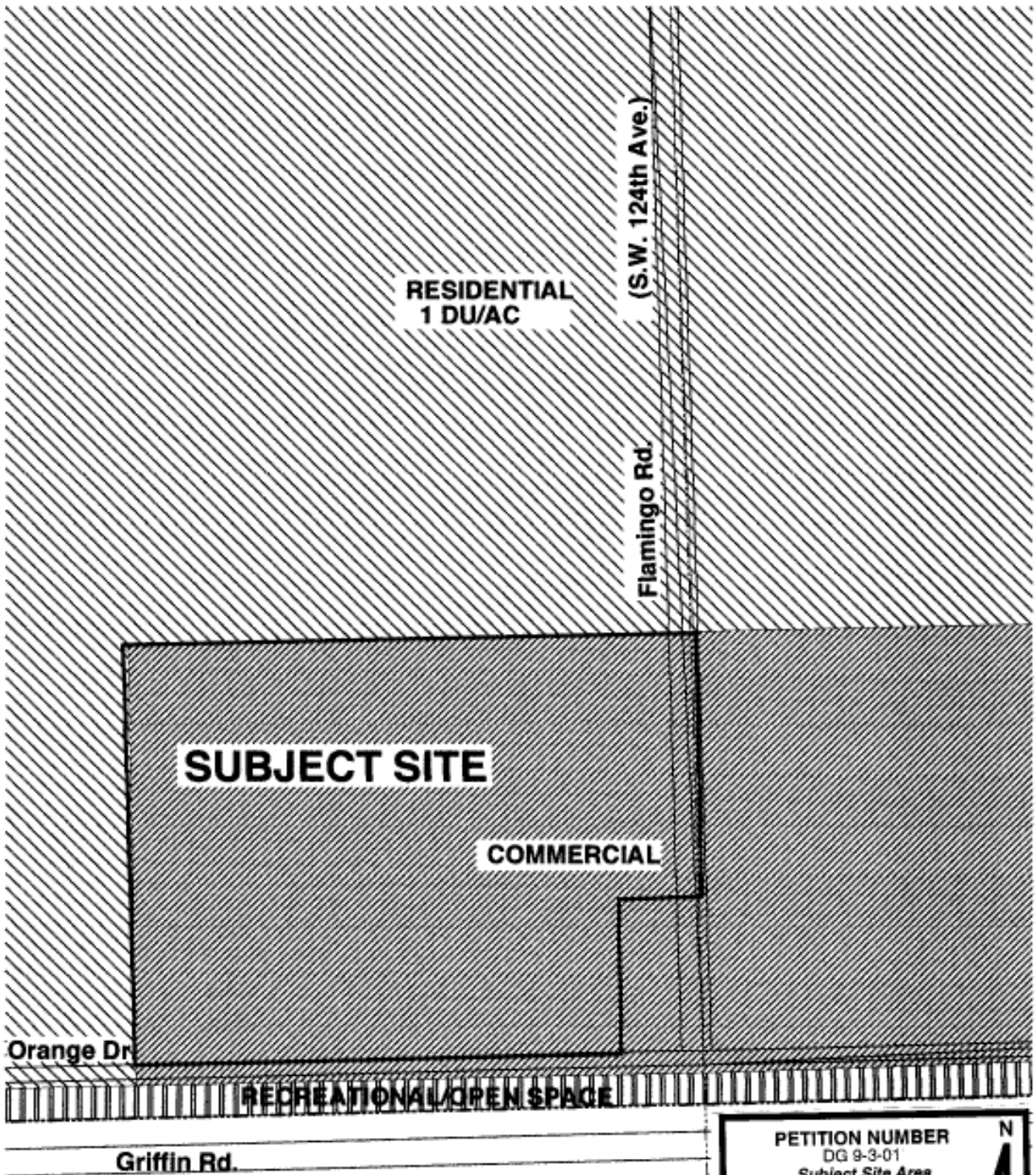
Robert P. Long

Witness my hand and seal this 1st day of July 1904.

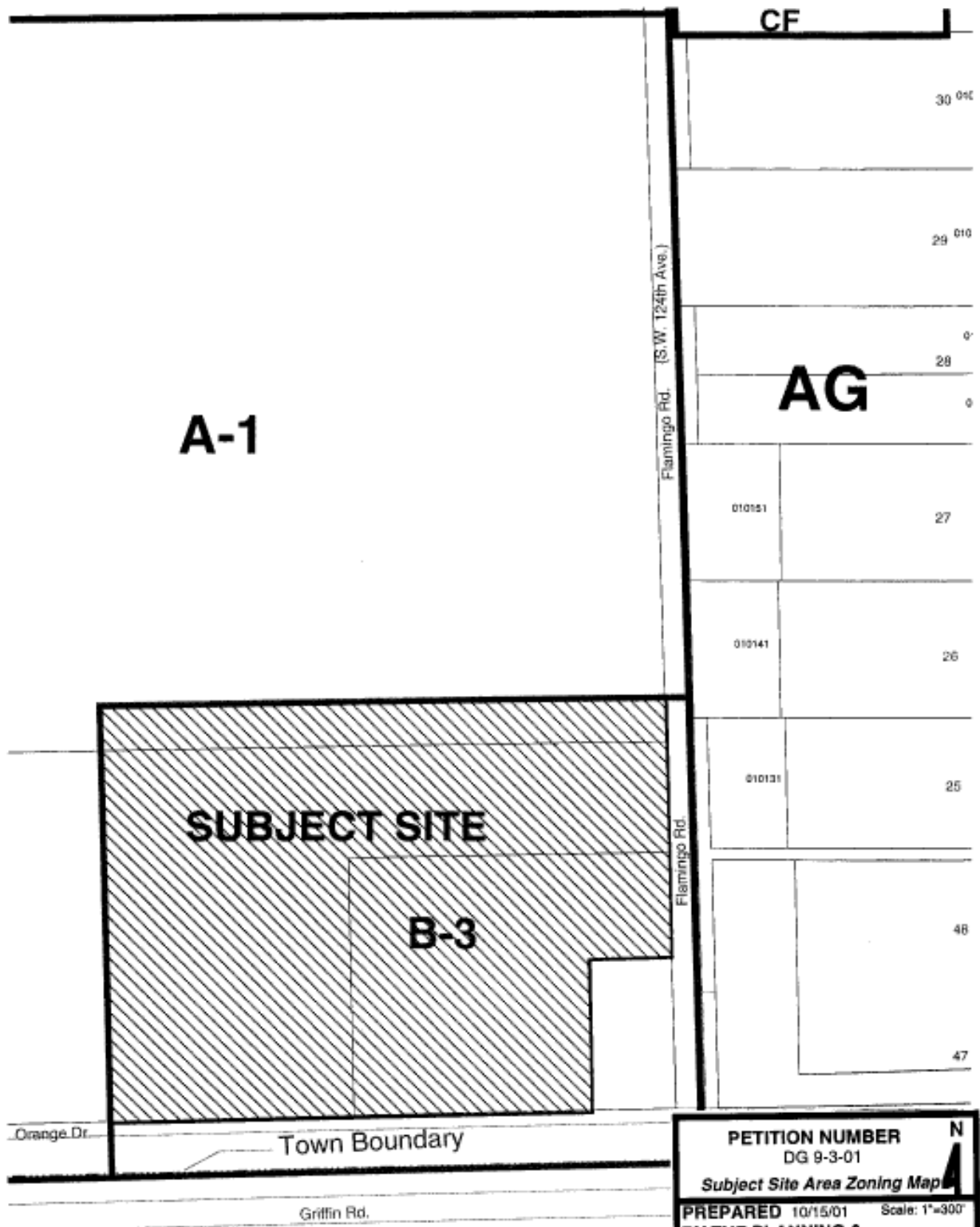
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PETITION NUMBER		N 4
DG 9-3-01		
Subject Site Area Future Land Use Plan		
PREPARED 10/15/01		Scale: 1"=300'
BY THE PLANNING & ZONING DIVISION		



<b>PETITION NUMBER</b>		<b>N</b> 
DG 9-3-01		
<b>Subject Site Area Zoning Map</b>		
<b>PREPARED</b>	10/15/01	Scale: 1"=300'
<b>BY THE PLANNING &amp; ZONING DIVISION</b>		



